

# DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, that I believe that I am the original, first and sole inventor (if only one name is listed below) or I believe that we are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled PHOSPHATE REPLACEMENT FERTILIZERS, the specification of which (check one)

- ☐ is attached hereto; or  
☒ was filed on September 26, 2003 as Application Serial No. 10/672,135, which claims the benefit of U.S. Provisional Application Serial No. 60/414,376 filed on September 27, 2002.  
☐ and was amended on (if applicable);

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe that said invention, design or discovery was ever known or used in the United States of America before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application; that said invention, design or discovery has not been patented or made the subject of an inventor's certificate issued prior to the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns; and that I acknowledge the duty to disclose information of which I am aware which is material to the examiner of this application in accordance with 37 C.F.R. § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

NUMBER	COUNTRY	DATE FILED	PRIORITY CLAIMED
N/A			

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

APPLICATION SERIAL NO.	DATE FILED
60/414,376	September 27, 2002

I hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	DATE FILED	STATUS
N/A		

I hereby appoint:

Eugenia S. Hansen	Reg. No. 31,966
David L. Hitchcock	Reg. No. 30,067
Karen L. Knezek	Reg. No. 39,253

all of the firm of Sidley Austin Brown & Wood LLP, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

Send correspondence to:

Eugenia S. Hansen  
Sidley Austin Brown & Wood LLP  
717 N. Harwood St., Suite 3400  
Dallas, Texas 75201

Direct telephone calls to:

Eugenia S. Hansen  
at (214) 981-3315  
Atty. Docket No. 22856/00302

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first inventor: Stephen C. Muma

Inventor's signature: \_\_\_\_\_

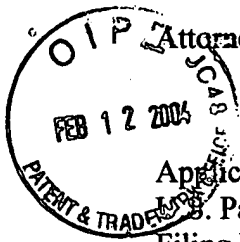
*Stephen C. Muma*

Date: 2-6-04

Residence (City, County, State): Modesto, Stanislaus County, California

Citizenship: United States of America

Post Office Address: 1833 Oak Leaf Drive, Modesto, California 95354



Attorney Docket No. 22856/00302

Applicant or Patentee: Stephen C. Muma

U.S. Patent Application Serial No.: 10/672,135

Filing Date: September 26, 2003

Attorney's Docket No.: 22856/00302

For: PHOSPHATE REPLACEMENT FERTILIZERS

**VERIFIED STATEMENT (DECLARATION)**

**CLAIMING SMALL ENTITY STATUS**

**(37 C.F.R. § 1.27(a)(2))**

**SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: HORIZON AG-PRODUCTS

ADDRESS OF CONCERN: P.O. Box 1888, Modesto, California 95353

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. Part 121 for purposes of paying reduced fees under §§ 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a fulltime, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that the rights under contracts or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled PHOSPHATE REPLACEMENT FERTILIZERS by inventor(s) Stephen C. Muma described in:

- ☐ the specification filed herewith.
- ☒ Application Serial No. 10/672,135 filed under 35 U.S.C. § 111(a) which claims the benefit of U.S. Provisional Application Serial No. 60/414,376 filed on September 27, 2002.
- ☐ patent no., issued.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. § 1.27(a)(1) if that person made the invention or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.27(a)(2), or a nonprofit organization under 37 C.F.R. § 1.27(a)(3).

Each person, concern or organization having any rights in the invention is listed below:

- (X) no such person, concern or organization exists.  
( ) each such person, concern or organization is listed below.\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

NAME: N/A

ADDRESS:

( ) individual      ☒ small business concern      ( ) nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.27(g)(2)).

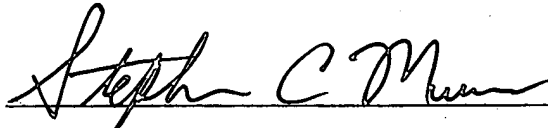
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Stephen C. Muma

TITLE IN ORGANIZATION: President

ADDRESS OF PERSON SIGNING: P. O. Box 1888, Modesto, California 95353

SIGNATURE



DATE

2-6-04